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to know the vital importance and operative effect of a phrase frequently occurring in Rhode Island wills quoted by the author, where ultimate distribution among remote issue is directed to be made *per stirpes*, "*and equally as between brothers and sisters.*"

Mr. Remsen has made a valuable addition to the library of any one interested in the subject of wills, but those led by the title to hope that the material has been especially worked to suit the needs of the inexperienced will be at least disappointed.

Federal Power over Carriers and Corporations. By E. Parmelee Prentice. The Macmillan Company, New York, 1907. Cloth, pages 244.

This work is an examination of constitutional history to ascertain the extent of federal power in reference to carriers and corporations, a survey of the modern tendency toward a most liberal construction of this power and the evils which must necessarily result therefrom. A summary of the leading decisions from *Gibbons v. Ogden*, 9 Wheat. 1, to those of the present day leads to the conclusion that as a matter of law the application of federal power in this regard has reached its limit and that as a matter of policy a greater centralization of such power would be both unwise and disastrous.

The current proposals for trust regulation by means of licenses or compulsory federal incorporation, in the opinion of the author, mean that eventually complete centralization is to be substituted for local self-government. It is maintained that now more than ever governments should be kept close to the whole people and that all should participate. Therefore no policy should be adopted which will tend to lessen the importance of our state governments.

The book is clear, interesting and convincing. It is a most timely contribution to the literature upon this subject at a time when proposed remedies for existing evils seem to be framed and advocated without regard to fundamental principles.

G. S. V. S.

The Law of Homicide. Wharton. Third Edition by Frank H. Bowlby. Civi. pp. 1120.

A perusal of the third edition of this standard work is very helpful in this day of "brain storms" and an evident return to dependence on the principles of the much maligned "unwritten law." Since the second edition of Dr. Wharton's work appeared in 1875 so many old-time illusions have been dispelled and so many unique pleas interposed by ingenious counsel that, were the practitioner to depend on the authority of general text-books on criminal law, he would be sadly handicapped. The latest edition is, as far as the limited space permits, an elaboration of common law principles as adjudicated under varying modern conditions. To style a work of this kind a text-book would be rather misleading as it is in reality more in the nature of a digest of

cases. Over 7000 cases are cited, including the most recent decisions and the editor is to be congratulated on having effectively boiled down so much valuable and interesting matter while giving a pretty thorough exposition of this most important branch of the criminal law. The subjects are well arranged and a complete index covering fifty-two pages makes the work invaluable for ready reference to specific matter. The chapters on Conspiracy, Defenses to Homicide, Evidence, Instructions to Jury and Trials, are particularly interesting. *F. P. M.*

Military Law and the Procedure of Courts-Martial. By Edgar S. Dudley, LL.B., LD.D., Colonel, Judge Advocate, U. S. Army, and Professor of Law at the United States Military Academy. John Wiley & Sons, 1907.

As stated in the preface this book "has been prepared to meet the existing necessities at the United States Military Academy for a text-book which would give a clear and thorough outline of the science of military law, including all recent changes and developments and yet be contained within such brief compass as to be adopted for use in the instruction of Cadets within the limited period assigned to the study of the subject."

The book is admirably adopted for this purpose and the subject is also treated in such a manner as to make it a text of practical use to the service at large as well as to those interested in any way in the application and enforcement of military law.

The work, after two or three chapters relating to military jurisprudence as a science, takes up military tribunals and their formation, composition, function, jurisdiction, etc., both as to general and inferior courts-martial, and is followed by chapters on the conduct of the trial of the accused, step by step from the arrest and confinement, through to the discharge, conviction, review or pardon, as the case might be, not forgetting a very instructive and important chapter on the rules and classification of evidence as applied to courts-martial, and as to the competency and credibility of witnesses, etc. A chapter is also added on the laws of War, including Military Government; Martial Law; the Military Commission; Employment of Troops in the Enforcement of the Laws and the Relations of Military Persons to Civil Authority. The articles of war are separately considered and annotated in a very instructive and useful manner.

An appendix is added to the book which includes the Articles of War, Act Establishing the Summary Court, Act to Prevent the Failure of Military Justice, Executive Order Establishing Limits of Punishments and a list of twenty-six forms used in the conduct of a court-martial.

In short, the work, while not exhaustive, appears to be complete and is not only a text-book for the student, but will without a doubt prove useful and instructive to those interested in the presentation and conduct of cases before courts-martial. It is also written in a very readable and entertaining manner. *E. C. S.*